

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-4608**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES MONROE COX,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Robert G. Doumar, Senior District Judge. (CR-03-28)

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Submitted: January 15, 2004

Decided: January 27, 2004

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Before WIDENER and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Frank W. Dunham, Jr., Federal Public Defender, Larry W. Shelton, Supervisory Assistant Federal Public Defender, Norfolk, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Robert J. Seidel, Jr., Assistant United States Attorney, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

James Monroe Cox appeals the judgment order of the district court convicting him of threatening to assassinate the President of the United States in violation of 18 U.S.C. § 871 (2000). Finding no error, we affirm.

Cox claims that he lacked the requisite intent to carry out his threat and that the threat was actually made as part of a deliberate attempt to remain incarcerated. Regardless of Cox's motivation, when questioned by the Secret Service, he clearly expressed a present intent to harm the President if released from incarceration. See United States v. Patillo, 438 F.2d 13, 16 (4th Cir. 1971) (en banc). When the threat is considered in the context of Cox's violent history, we cannot conclude that insufficient evidence supported Cox's conviction. Accordingly, we affirm Cox's conviction and sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED